

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEMATHEUS GREEN,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No.: 2:23-cv-02050-CDS-BNW

ORDER

On December 12, 2023, pro se plaintiff Dematheus Green, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1). But Plaintiff did not personally sign the complaint. (*See id.* at 6). And Plaintiff has neither paid the full \$405 filing fee nor applied to proceed *in forma pauperis* in this action. (*See* ECF No. 1).

“A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. “A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” Nev. Loc. R. LSR 2-1. And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

Moreover, this Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2. *In forma pauperis* status does not relieve an

1 inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in
2 installments. *See* 28 U.S.C. § 1915(b).

3 It is therefore ordered that Plaintiff must submit a signed first amended complaint to this
4 Court **on or before February 20, 2024**.

5 It is further ordered that if Plaintiff chooses to file an amended complaint, he is advised
6 that an amended complaint replaces the original complaint, so the amended complaint must be
7 complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546
8 (9th Cir. 1989). This means the amended complaint must contain all claims, defendants, and
9 factual allegations that Plaintiff wishes to pursue in this action. Thus, the submission of a mere
10 signature page will not be enough. Moreover, Plaintiff should file the amended complaint on this
11 Court's approved civil-rights form, and it must be titled "First Amended Complaint."

12 It is further ordered that, **on or before February 20, 2024**, Plaintiff must either pay the
13 full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all three
14 required documents: (1) a completed application with the inmate's two signatures on page 3, (2) a
15 completed financial certificate that is signed both by the inmate and the prison or jail official, and
16 (3) a copy of the inmate's trust fund account statement for the previous six-month period.

17 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
18 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
19 refile the case with the Court, under a new case number, when Plaintiff can file a signed complaint
20 and either file complete application to proceed *in forma pauperis* or pay the required filing fee.

21 The Clerk of the Court is directed to update the docket to reflect that Plaintiff's last name
22 is Green and send Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and
23 instructions for the same and the application to proceed *in forma pauperis* for an inmate and
24 instructions for the same.

25 DATED THIS 20th day of December 2023.

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28 UNITED STATES MAGISTRATE JUDGE